IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.479 OF 2005

Miral Silk Mills ..Petitioner.

V/s.

Union of India & Anr. ..Respondents.

Mr.K.K.Shroff i/b. Shamim & Co.for petitioner.

Mr.A.S.Rao with K.J. Kandpile for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 3RD MARCH, 2005.

P.C. :-

1. Heard the learned counsel for the petitioner and the respondents. Perused the order dated 27th December, 2004 passed by the CESTAT with regard to the application for dispensation of pre-deposit of duty. The earlier pre-deposit was Rs.4,18,379/- and an equivalent amount of personal penalty. The Tribunal after taking into consideration all the facts and circumstances of the case found that the appellant was under invoicing the goods and came to the conclusion that the petitioner has not made out a prima facie case to grant an unconditional stay and reduced the pre-deposit to Rs.2,00,000/-. We

find that there is absolutely no perversity or illegality in the interim order of pre-deposit. Petition is devoid of any merit and the same stands dismissed.

2. Now, the learned counsel for the petitioner prays for extention of time by 8 weeks to deposit the said pre-deposit amount of Rs.2,00,000/-. Accordingly, the time to deposit the pre-deposit amount of Rs.2,00,000/- is extended by 8 weeks from today.

3. Parties to act on an ordinary copy of this order duly authenticated by the Associate/C.S.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)